

STATEMENT OF BASIS (AI No. 117554)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123714 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: GAME Equipment, LLC
3322 HWY 308
Napoleonville, LA 70390

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Yvonne Baker

DATE PREPARED: March 17, 2008

1. PERMIT STATUS**A. Reason For Permit Action:**

First time issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit - NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits -
LPDES permit effective date: N/A
LPDES permit expiration date: N/A

D. Date Application Received: September 11, 2007. Additional information was received during a site visit to the facility on November 7, 2007. The facility submitted a Notice of Intent to Discharge Sanitary Wastewater. However the facility does not qualify for the Class I Treated Sanitary Wastewater General Permit (LAG530000) because they discharge equipment washwater and stormwater. Therefore, an individual permit is being issued to cover their treated sanitary wastewater, exterior equipment washwater, and stormwater.

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - farm equipment manufacturer**

This is an existing facility which manufactures agricultural equipment. Prior to final painting the equipment is pressure washed with soap and water on the concrete slab located behind the new building. The facility maintains a cherry picker, tow forklifts and machine tools. All fluids, including oil, anti-freeze, and cutting fluids are placed in sealed drums for proper disposal. The facility discharges treated sanitary wastewater and exterior equipment washwater via pipe and local drainage to Bayou Lafourche.

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B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II; BPJ to 0 points due to minimal flow from the facility.
3. Wastewater Type: III
4. SIC code: 3523

C. LOCATION - 3322 Highway 308 in Napoleonville, Assumption Parish
 Latitude 29° 51' 52", Longitude 90° 58' 56"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: treated sanitary wastewater
 Treatment: mechanical treatment plant
 Location: at the point of discharge from the STP prior to mixing with waters of the state
 Flow: 540 GPD
 Discharge Route: via pipe to local drainage thence into Bayou Lafourche

Outfall 002

Discharge Type: exterior equipment washwater
 Treatment: none
 Location: at the point of discharge from the concrete slab behind the new building prior to mixing with waters of the state
 Flow: variable
 Discharge Route: via local drainage thence into Bayou Lafourche

4. RECEIVING WATERS

STREAM - via pipe to local drainage thence into Bayou Lafourche

BASIN AND SEGMENT - Barataria Basin, Segment 020401

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. drinking water supply

5. TMDL STATUS

Subsegment 020401, Bayou Lafourche - From Donaldsonville to ICWW at Larose, is listed on LDEQ's Final 2006 303(d) list as impaired for TDS and chlorides. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a future TMDL. Until completion of TMDLs for the Barataria Basin, those suspected causes for impairment which are not directly attributed to the farm equipment manufacturer point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

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Based on the evaluation of the sanitary and wastewater discharges, it was determined that the facility has the potential to discharge pollutants which may contribute to the TDS and chlorides impairments of the receiving waterbody. However, due to the small flow from this facility, compliance with the limitations established in the permit should not result in the discharge of pollutant concentrations which would cause or contribute to further impairment of water quality standards.

Subsegment 020401 was previously listed as impaired for organic enrichment / low DO, nutrients, and pathogen indicators on past 303(d) lists, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 020401:

Bayou Lafourche TMDL for Fecal Coliforms

TMDL for Fecal Coliforms for Bayou Lafourche, Louisiana (Subsegment 020401) was effective on August 5, 2004. The discharge from this facility was not considered in the TMDL. According to the TMDL report, "LDEQ's policy is to set permit limits for fecal coliforms no higher than water quality standards (i.e., standards are met at end of pipe). Therefore, as long as point source discharges of treated wastewater contain fecal coliforms levels at or below these permit limits, they should not cause any violations of water quality standards for fecal coliforms." Compliance with the Fecal Coliform limitation in this permit should not cause or contribute to the violation of water quality standards for Total Fecal Coliform in the receiving stream.

Bayou Lafourche TMDL for Dissolved Oxygen and Nutrients

TMDL Development for Dissolved Oxygen and Nutrients for Bayou Lafourche Subsegment (020401) in the Barataria Basin, Louisiana was effective on April 5, 2005. The discharge from this facility was not considered in the TMDL. According to the TMDL report, the primary source of flow through Bayou Lafourche is provided by the Mississippi River as pumped through the Walter Lemann, Sr. Pumping Station at Donaldsonville at an average flow rate of 200 cubic feet per second (cfs). Projected simulation results were used to develop a TMDL for oxygen demanding substances (CBOD, ammonia nitrogen, organic nitrogen, and sediment oxygen demand). Model projection simulations resulted in no required load reductions from point sources. In addition, the flow from this facility is de minimus.

Organic Enrichment/Low DO

BOD₅ and COD limits are established in this permit.

Nutrients

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited.

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LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a BOD₅ and COD limitations. Compliance with the BOD₅ and COD limitations as the indicator parameters will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the effluent limitations of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

Therefore, compliance with the BOD₅ and COD limitations in this permit should not cause or contribute to the violation of water quality standards for dissolved oxygen and nutrients in the receiving stream.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

7. COMPLIANCE HISTORY/COMMENTS

- A. OEC - An inspection on September 19, 2007 noted the facility was discharging without a permit.
- B. DMR Review/Excursions - N/A; this is an initial permit.

8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020401 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

9. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

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11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for GAME Equipment, LLC

1. Outfall 001 - treated sanitary wastewater (estimated flow is 540 GPD)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg.: Wkly. Avg. (mg/l)	<u>Reference</u>
Flow (GPD)	---:Report	
BOD	---:45	Similar discharges, LAG530000* (BPJ)
Fecal Coliform Colonies/100 ml	---:400	Similar discharges, LAG530000* (BPJ)
TSS	---:45	Similar discharges, LAG530000* (BPJ)
pH	6.0 - 9.0 su	Similar discharges, LAG530000* (BPJ)

Treatment: mechanical treatment plant

Monitoring Frequency: Semiannually for all parameters at the point of discharge from the STP prior to mixing with waters of the state.

Limits Justification: Limits and monitoring frequencies are based on current guidance for similar discharges from other facilities and the Class I Sanitary General Permit, LAG530000 effective November 1, 2007.

2. Outfall 002 – exterior equipment washwater (estimated flow is variable)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg: Daily Max (mg/L)	<u>Reference</u>
Flow (GPD)	Report: Report	
TSS	---:45	Similar discharges * (BPJ), LAG480000
COD	200: 300	Similar discharges * (BPJ), LAG480000
Oil and Grease	---:15	Similar discharges * (BPJ), LAG480000
pH	6.0 - 9.0 su	Similar discharges * (BPJ), LAG480000
Visible Sheen	---: No Presence	Similar discharges * (BPJ), LAG480000
Soaps and Detergents	Inventory Record:---	Similar discharges * (BPJ), LAG480000

Treatment: none

Monitoring Frequency: daily for visible sheen and quarterly for Flow, TSS, COD, Oil and Grease, and pH at the point of discharge from the concrete slab behind the new building prior to mixing with waters of the state. Soaps and Detergents: document in a quarterly inventory record the quantity and type of any Soap and/or Detergent that you use during each calendar month.

Limits Justification: Limits and monitoring frequencies are based on current guidance for similar discharges from other facilities and the Light Commercial General Permit, LAG480000 effective August 1, 2001.

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Note: EPA Guidelines for Metal Products & Machinery (40 CFR Part 438) are applicable; however, more stringent state requirements for exterior equipment washwater are being placed in the permit.

* Existing permits for similar outfalls
su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 3523 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in the storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).